

**COMMITTEE ON SPECIAL PERMITS  
MONDAY, APRIL 11, 2022, at 6:05 p.m.  
WOBURN CITY HALL  
CITY COUNCIL CHAMBERS**

Voting members present: Chairman Richard Gately, Councilor Joanne Campbell, Councilor Charles Viola, and Councilor Lou DiMambro. Absent: Councilor Darlene Mercer-Bruen  
Non-voting members present: President Michael Concannon, Councilor Jeffrey Dillon, and Councilor Robert Ferullo. Absent: Councilor Joseph Demers

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**Reading and approval of meeting minutes of March 28, 2022:** Motion made by Councilor Viola and seconded by Councilor Campbell to approve the minutes of the previous meeting; in favor, 4-0.

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**True World Foods Boston LLC for a special permit to modify Landowner’s Decision and Notice of Special Permit dated December 28, 2020 as modified by Notice of Modification of Special Permit dated April 12, 2021, by amending Condition 5 limiting the property to twelve (12) box trucks and one (1) dumpster truck, and to modify to allow for overnight parking of the following commercial vehicles: nine (9) box trucks, fourteen (14) vans, and four (4) cars, at 242 Salem Street:** Representing the petitioner were Attorney Joseph Tarby, Rubin Rudman LLP, 600 Unicorn Park, Suite 7, Woburn, MA; and Timothy Williams, Allen & Major Associates, 100 Commerce Way, Suite 5, Woburn, MA. Attorney Tarby said his client is seeking to modify a special permit that was granted in 2020 and modified in 2021. He said his client is looking to amend condition #5 limiting the overnight parking of commercial vehicles to 12 box trucks and one dumpster truck to nine box trucks, 14 vans and four cars. He said his client is willing to reduce the number of vans to 12. He said there was a site visit with Councilor Mercer-Bruen and Building Commissioner Thomas Quinn scheduled for today but Councilor Mercer-Bruen was unable to attend. Attorney Tarby said Councilor Mercer-Bruen has requested the committee send the matter “back for action.” He said he and Councilor Mercer-Bruen will discuss proposed conditions this week. He said the conditions will likely include a reference to the site plan of record, a reference to the number of commercial vehicles, a review of the special permit in six months, and that all other conditions of the special permit will remain in effect. Councilor Campbell asked if anyone has received correspondence from Councilor Mercer-Bruen. President Concannon said he has spoken with Councilor Mercer-Bruen. He said any further elaboration would require a vote from the committee to allow any member of the council not on the committee to speak. Motion made by Councilor Viola and seconded by Councilor Campbell to allow any member of the council not on the committee to address the committee; approved, 4-0. President Concannon said he has spoken with Councilor Mercer-Bruen and she concurs with Attorney Tarby’s comments. President Concannon said Councilor Mercer-Bruen said she believes she can work with Attorney Tarby on proposed conditions. Motion made by Councilor Campbell and seconded by Councilor Viola to make President Concannon’s statement part of the permanent record; approved, 4-0. Motion made by Councilor Campbell and seconded

by Councilor Viola to send the matter “back for action.” Councilor Viola asked if all the vehicles associated with the special permit would be registered with the city of Woburn. Attorney Tarby answered affirmatively. Chairman Gately asked if Attorney Tarby has a list of the other special permit conditions. Attorney Tarby said all other conditions of the original special permit will remain in full force except as modified. Motion made by Councilor Campbell and seconded by Councilor Viola to send the matter “back for action;” approved, 4-0.

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**Reliable Property Management Services, LLC for special permit pursuant to the 1985 City of Woburn Zoning Ordinance, as amended, Section 5.1, Subsection 57b for accessory storage and overnight parking of up to 40 commercial vehicles, and Subsection 43 for open or outside storage of new or used building materials or equipment, relating to the operation of a fence assembly and manufacturing business, at 211 New Boston Street:** Representing the petitioner were Attorney Robert Tedesco, Tedesco Law Offices P.C., 88 Main St., Woburn, MA; and Michael Theriault, 283 Salem St., Woburn, MA. Attorney Tedesco said the applicant’s project engineer has written a response to a memo from City Engineer John Corey regarding the petition. He said he has prepared 17 conditions on behalf of his client that were reviewed and deemed acceptable by the Ward Councilor and the Building Commissioner. He said in response to the City Engineer’s concerns about drainage his client will offer an 18<sup>th</sup> condition, which will stipulate if there is any change to the drainage, there will be oversight. He said the lot is completely paved and no changes are planned. He said the site was formerly a hazardous waste site. He said his client knows what he has to do. He said his client is seeking a special permit to store materials and for overnight parking of commercial vehicles. Attorney Tedesco said the second comment in Engineer Corey’s memo is about whether traffic will be increasing. Attorney Tedesco said the previous owner had 20 big rigs that are being replaced by F-150 and F-250 pickup trucks that will carry materials used to install fences. He said Reliable Fence will put materials on a truck, the truck will leave, the fence will be installed and the truck will return empty. He said he truly believes this is a less obtrusive use than the previous uses. He said there will be less traffic. He said the site is in an industrial zone. He said his client runs a clean business. He said his client has made great strides cleaning the property. He said his client would like to continue moving forward with the special permit process. Motion made by Councilor Campbell and seconded by Councilor Viola to allow any member of the council not on the committee to address the committee; approved, 4-0. Councilor Campbell said she does not think there is going to be an increase in traffic. She said she likes the fact the property will be cleaned up. She said she is in favor of this petition, but she would like to hear from Councilor DiMambro. Councilor DiMambro said he agrees with everything Councilor Campbell just said. He said the 17 conditions went over really, really well. He said he is not going to oppose the 18<sup>th</sup> condition. He thanked the applicant for cleaning up the property. He said the applicant is 95 percent of the way there. He said everything is looking better. He said he thinks the addition of the 18<sup>th</sup> condition is appropriate. President Concannon asked if the 18<sup>th</sup> condition would be subject to review by the City Engineer. He said in a subsequent memo Engineer Corey references the installation of a particle separator to address water quality. Attorney Tedesco said he does not know what a particle separator is. Mr. Theriault said when he pulls a building permit, if there are any further requirements, he will address them. President Concannon said if the committee opts

to vote a favorable recommendation, it could make a finding that the new use will generate less traffic. Chairman Gately said he would accept a motion to make the recent communications part of the permanent record. Motion made by Councilor Campbell and seconded by Councilor Viola to accept the following communications and make them part of the permanent record: An email from Attorney Tedesco to City Clerk Lindsay Higgins, et al, dated April 5, 2022, entitled “211 New Boston St.” with an attached list of 17 proposed conditions; a memorandum from City Engineer John Corey dated April 11, 2022, and entitled “211 New Boston St. – Special Permit;” a memorandum from Drew Garvin, Senior Project Engineer, Meridian Associates, 500 Cummings Center, Suite 5950, Beverly, MA dated April 11, 2022 and entitled “Reliable Fence Boston 211 New Boston Street, Woburn Massachusetts Response to Engineering Department memo;” and an email dated April 11, 2022, from Engineer Corey responding to Mr. Garvin’s memo; approved, 4-0. Chairman Gately asked if Attorney Tedesco has seen Engineer Corey’s memo. Attorney Tedesco said he has read Engineer Corey’s memo and Mr. Garvin’s response. Councilor Campbell said the committee needs to add the 18<sup>th</sup> condition to the list provided by the applicant. Attorney Tedesco suggested the 18<sup>th</sup> condition could include a review of any drainage issues by Building Dept. Motion made Councilor Campbell and seconded by Councilor Viola to add an 18<sup>th</sup> condition that reads as follows: “The Building Dept. and the Engineer Dept. shall review any drainage issues at the time of an application for a building permit;” approved, 4-0. Councilor Campbell said the committee could make a finding that there will not be an increase in traffic volume. Motion made by Councilor Campbell and seconded by Councilor Viola to accept the following finding: “The proposed use will not create more traffic than what previously existed at the site.” Chairman Gately asked if the committee wants to impose a condition that there will be a review of the special permit after six months. Councilor DiMambro said Reliable Fence will be coming back to the council for buildouts. He said the committee could impose a condition that when they come back, each unit could be individually interpreted. Chairman Gately said it does not hurt to add a condition that there will be a 6-month review. Councilor Campbell said she is not sure why the council needs that condition. She said if there is going to be an issue, the Building Dept. will find it. Chairman Gately said the council has the final say. He said all he is asking is for the council to take a look at the traffic six months from now. Councilor Campbell said she is not sure how the traffic is going to increase. Councilor DiMambro said if the fence company will primarily use pickup trucks and he does not think there will be an increase in traffic unless there’s a tenant that rents all four units. Chairman Gately asked if the four trailers are still on site. Mr. Theriault said the trailers are gone but there is still on Conex unit on-site. Councilor DiMambro said there are also two box trucks on-site. Mr. Theriault said those two trucks are going to be registered. Attorney Tedesco said proposed condition #13 addresses special permit review. He said if the council feels the applicant is in violation of condition #13, it can request review. Councilor Ferullo said he is familiar with Reliable Fence’s site on Salem Street and said it looks better than some of the homes the company works on. He said he appreciates the company’s commitment to the community. Vote to attach the previously discussed finding was approved, 4-0. Motion made by Councilor Campbell and seconded by Councilor Viola that the special permit “ought to pass” with the following conditions:

1. The project shall be developed and/or constructed and maintained as shown on the following plans:
  - (a) Site Plan No. 8553 dated January 13, 2022, prepared by Meridian Associates as revised and dated March 25, 2022, entitled “211 New Boston Street Site Plan Located in Woburn (Middlesex County) Prepared for Reliable Fence Boston”.

(b) Existing (conditions) Plan prepared by Ebbrell Architecture + Design dated January 5, 2021;

(c) Proposed Plan prepared by Ebbrell Architecture + Design dated January 5, 2021.

2. The height of the garage doors shall not exceed 12 feet in height.
3. Any and all outside storage of materials shall be confined to the “Proposed Storage Area” as shown on the Site Plan (item (a) above). Outside storage of any kind shall be limited to vinyl, metal, aluminum or wood fencing; and equipment related to the Petitioner’s business operation including but not limited to augers, compressors, trailers for transfer of the equipment to job sites, digging equipment and tools, drills, and concrete, as well as equipment and materials required for the management of the property, such as snow plows/blades, ice melt and the like, and any and all equipment and material shall be stored in “designated storage area” ONLY. Reference Meridian Assoc. Site Plan No 8553 dated: Jan 13, 2022, and revised March 25, 2022. With the exception of those items listed herein, no outside storage of any kind shall be allowed outside of the “designated storage area.” Prohibition includes, but is not limited to, building, landscaping, or other material, heavy construction equipment, inventory associated with any tenant's business use, excepting those uses of the Petitioner’s business operation. Further there shall be no unregistered trailers, cars, trucks, vans of any size or capacity. There shall be no storage of recreational vehicles, boats, or campers; no hazardous or non-recyclable waste of any kind to be stored on property. Any and all such waste is to be disposed of properly. Additionally, there shall be no outside storage of recyclable waste materials of any kind. All fencing waste, related to the Petitioner’s business operation, to be disposed of properly, daily. There shall be no storage of dumpsters, roll offs or compactors. There shall be no “Conex” box or steel shipping containers unless permitted by the City of Woburn and excepting the provision of condition 12 herein.
4. Vehicles parked on the Property shall be parked in designated parking spaces and all parking spaces, including handicap parking spaces, shall be maintained and clearly striped at all times; and if applicable, separate unit numbers and parking spaces associated with said units shall be marked at all times. Further, Petitioner shall submit a written operations plan for incorporation into the Special Permit decision by reference the setting forth the frequency with which parking space lines and other pavement markings will be periodically refreshed after initial installation since no resurfacing.
5. There shall be no parking or loading on any street abutting the property and further it shall be prohibited for the company, its employees, customers, or deliveries to park vehicles or trailers of any kind on abutting or nearby lots, unless such off-site parking arrangement comply with the applicable provisions of the Woburn Zoning Ordinance, as amended from time to time.
6. Any commercial vehicles used and parked by the Petitioner or other occupants of the building shall be registered in the City of Woburn.
7. The building shall contain a fire sprinkler system as required by the City of Woburn Fire Chief; and a proper turning radius for fire emergency vehicles shall be maintained at all times. Additionally, the City of Woburn Fire Department must be informed and permits must be obtained, as required by law, for any and all possible flammable or

combustible materials to be stored inside building. Including any and all mechanical devices that require flammable or combustible fuel.

8. Any dumpsters on the property shall be fenced and located in the designated areas as shown on the Site Plan (item (a) above). No dumpsters shall be emptied before 7a.m.
9. Exterior lighting on the building and as shown on the Site Plan (item (a) above) shall be “Dark Sky Compliant” and shall not shed excessive light into any abutting property.
10. Renovation construction hours shall be limited to Monday to Friday, 7 a.m. to 6 p.m. and Saturday, 7 a.m. to 5 p.m.
11. The building shall contain “oil and gas separators” as required by law, and the design of same shall be approved by the City of Woburn Building Commissioner.
12. The use of any “outside” storage containers shall be limited to the period of renovation and reconstruction of the building; shall not be in place longer than one year or until there shall be available secure storage within the building, whichever is sooner.
13. The Petitioner shall construct and improve the site as substantially described on the Site Plan of Record which for this project shall include 1. (a), (b) and (c) herein above, although design adjustments and modifications generally associated with (i) preparing so-called “working drawings” or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the plans referenced herein above, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make the final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan.
14. There shall be no automobile, boat or motor vehicle repair of any kind allowed on the property.
15. Water meter to be installed upon reconnection of the building to municipal water and additional meters may be installed as required upon build-out of the building.
16. The Petitioner shall file a snow removal plan with the City of Woburn Building Department.
17. The Property will be properly landscaped and maintained year-round.
18. The Building Dept. and the Engineer Dept. shall review any drainage issues at the time of an application for a building permit; approved, 4-0.

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**ECA NEMA Brightfields I, LLC and ECA NEMA Brightfields II, LLC request for minor modification of special permit issued on June 10, 2021 regarding the site plan and solar array layout, at the Industri-Plex site at 134 Commerce Way, 39 Atlantic Avenue, 132 Commerce Way, four parcels off New Boston Street, 30 Atlantic Avenue and 0 New Boston Street:** Representing the petitioner were Andrew Bunnell, Director of Legal and General Counsel, and Michael Redding, Director of Civil Engineering, ECA Solar, 282 Moody St., #202,

Waltham, MA. Chairman Gately said the committee has received a memorandum from Building Commissioner Thomas Quinn as follows: "Regarding the above-referenced project, the change the applicants have requested I would consider them substantial to the working drawings as specified in WZO section 11.12 (4)." Attorney Bunnell said he thinks what Commissioner Quinn's letter indicates is he thinks the City Council has the ability to determine whether the proposed changes constitute a minor modification. He said the design changes are minor. He said ECA Solar has not begun construction nor has it obtained a building permit. He said the use is not being changed, the size has not changed, there will be no increase in traffic nor an increase in the use of city services. He said they are not doing anything that was not originally proposed. He said there is no material change to the project. He said the proposed changes are designed to add efficiency to the project and in response to Conservation Commission questions about stormwater runoff. He said the City Council has the authority to rule that this is a minor modification. Motion made by Councilor Campbell and seconded by Councilor Viola to allow any member of the council not on the committee to address the committee; approved, 4-0. Chairman Gately asked if the modifications are reflected in the new plan or the old plan. Attorney Bunnell said the proposed modification are on the new plan. Chairman Gately said he has to go by what the Building Commission said. Attorney Bunnell said there is an approved site plan of record. He said Commissioner Quinn see the change as substantial, but the ordinance suggests Commissioner Quinn cannot make that decision unilaterally and it has to go to the City Council. Councilor Campbell asked if one of the modifications is the relocation of the access road. Attorney Bunnell said the road has two access points, and he believes City Engineer John Corey has signed off on the plan for the roadway, which he said has increased emergency access through a gate that will be otherwise locked and gated. He said access via the gate will be for emergency access only. Councilor Campbell asked if the access road is being enlarged. Mr. Redding said because of the changes on Atlantic Avenue, the applicant changed the entrance and exit. He said the intention is to allow the free flow of fire trucks and construction vehicles. He said the access road is not intended for anything but maintenance and emergency access. Councilor Campbell said she does not think that is a minor change. She said she is also going by the Building Commissioner's memo. She said it is rare for him to consider something substantial. She said if the Building Commissioner uses the word substantial, she would consider that to be more than minor. Attorney Bunnell said the zoning ordinance indicates the City Council can determine whether the proposed modification is minor or major. He said the proposed modification does not affect the overall build-out of the site. He said there is nothing that rises to the level of a major modification. He said there is no material change to the project. He said the project is essentially the same as it was in 2021. Councilor Campbell said the access road is quite long and she would consider any change to that to be major. She said the committee has a memo from the Building Commissioner and he uses the word substantial. She said she does not consider this to be a minor modification. Councilor Viola referred to a memo from Mr. Redding dated March 31, 2022, that indicates the access road is going to be extended. Councilor Viola said that in itself indicates to him the proposed modification is major. Councilor DiMambro said the memo from Commissioner Quinn indicates he considers the changes to be major. Chairman Gately said it will up to the full City Council to decide if the modification is minor or major. Councilor Campbell asked if the committee has to make findings if there is a motion to deny the request, or if the City Council can make findings on Tuesday. President Concannon said ultimately there will be a need to make findings. He said the findings could come from the committee or the City Council. Chairman Gately asked if the will of the committee is to deny the

request for a minor modification and ask the applicant to come back with a better plan. President Concannon said the committee could also opt to hold the matter in committee. Motion made by Councilor Campbell and seconded by Councilor Viola to deny the request for a minor modification; approved, 4-0.

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**Motion made** by Councilor Campbell and seconded by Councilor Viola to adjourn; in favor, 4-0. Chairman Gately adjourned the meeting at 6:48 p.m.

A TRUE RECORD ATTEST

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Gordon Vincent  
Clerk of Committees